

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHEILA GIANELLI,

Plaintiff,

v.

RONALD STEVEN SCHOENFELD, et  
al.,

Defendants.

No. 2:21-cv-0477-JAM-KJN PS

ORDER SETTING SCHEDULE FOR  
MOTION TO REMAND & MOTIONS TO  
DISMISS

(ECF Nos. 6, 17, 19)


On April 15, 2021, plaintiff filed a motion to remand this action to state court and noticed the motion for hearing on April 29, 2021. (ECF No. 17.) This motion is improperly noticed, as it sets the matter for hearing with less than the 28-days' notice required by Local Rule 230(b). However, the court will accept the motion as filed because it is now necessary in any event to adjust the motions calendar in this case pursuant to Local Rule 230(e), to resolve plaintiff's motion before addressing the two related motions to dismiss also pending (ECF Nos. 6, 19).

Accordingly, the court ORDERS that:

1. The hearing on plaintiff's motion to remand (ECF No. 17) improperly noticed for hearing on 4/29/2021, is **RESET for hearing on Thursday, 5/20/2021, at 10:00 A.M.**, before the undersigned, with the parties to appear by remote means. Instructions for joining remotely will be provided before the hearing.

- a. Any defendant wishing to oppose plaintiff's motion shall file an opposition in response no later than 5/6/2021; and plaintiff shall file any optional reply no later than 5/13/2021;
2. Defendant Silver's motion to dismiss (ECF No. 6) is taken under submission pursuant to Local Rule 230(g), and **the hearing currently set for 4/29/2021, is VACATED;**
  - a. Defendant Silver shall file her optional reply to plaintiff's opposition (ECF No. 15) by the original deadline of 4/22/2021;
3. Defendants Dujmovich and Schultz's joint motion to dismiss (ECF No. 19) is also taken under submission pursuant to Local Rule 230(g), and **the hearing currently set for 5/20/2021, is VACATED;**
  - a. No further briefing of this motion is required until further notice. The court will first resolve plaintiff's motion to remand. If the court ultimately denies that motion, the court will set new deadlines for a response and reply to Dujmovich and Schultz's motion to dismiss, prior to resolving that motion.
4. If the court subsequently determines that a hearing is needed on either motion to dismiss, it will be scheduled at a later date with notice to the parties.

Dated: April 19, 2021

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

gian.0477